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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

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Addendum

ISLAMIC FEDERAL REPUBLIC OF THE COMOROS

[24 March 1998]

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I. GENERAL COMMENTS

A. Land

1. Situated at the northern end of the Mozambique Channel half way between Madagascar and the East African coast, the Comorian archipelago covers an area of 2,235 km² divided among four main islands, namely Ngazidja or Grande Comore (1,147 km²), Mwali or Moheli (290 km²), Ndzuani or Anjouan (424 km²) and Maore or Mayotte (374 km²). Maore is still administered by France.

2. The islands are of volcanic origin; although the soil is fertile, intensive use means that it is being rapidly depleted as a result of extremely archaic and harmful farming methods. The situation is particularly dire in Anjouan, where the hilly countryside is especially prone to erosion. The highest point in the country, Mount Karthala (2,360 m), is located on Ngazidja, which in geological terms is the most recent island. Mount Karthala is a semi-active volcano with one of the largest craters in the world.

3. Intense deforestation means that primary forest cover survives in only a few areas on Grande Comore. The hydrologic regime is for the most part very unstable; a number of rivers have even dried up, particularly on Anjouan. The climate is tropical - hot and humid - from October to April, and fresh and dry during the southern winter, i.e. from May to September. Owing to the mildness of its climate and its fertile soil, and notwithstanding the thoughtless or irresponsible attitude that has been shown towards the environment, the archipelago still possesses some remarkable natural treasures. The native fauna and flora of the islands are of great aesthetic and scientific interest, making the Comoros a nature reserve in the true sense.

B. Historical and institutional framework

4. Little is known about the ancient history of the Comoros, which consists mainly of legends intertwining the epic or amorous adventures of men and jinn; these still furnish material for an inexhaustible oral tradition deeply rooted in the collective imagination of the people. Archaeological and historical research, especially over the last 20 years, has shed greater light on the ancient and more recent history of the archipelago. It is known for sure that the islands were inhabited from the ninth century onwards by blacks originating from the Mozambique-Tanzania border region and people of Arab and Persian stock. In the sixteenth century, the Europeans used the Comoros as a staging-post on the route to India. The first visitors were the Portuguese, followed a few decades later by the English, the Germans and the French. The French eventually established themselves on a permanent basis, especially after 1886 when the archipelago became a protectorate. The islands then became a colony and their collective destiny was closely bound to that of France by the Annexation Act of 25 July 1912.

5. As a "dependency of Madagascar", the Comoros then endured a 30-year political and economic eclipse, the consequences of which are still being felt today. They were not divorced from Madagascar until 1946, when they won recognition as an autonomous entity with a fluid legal status. The path towards sovereignty was now open. The stages of this process were marked by the 1956 framework law, internal autonomy in 1961, and independence in

July 1975. Since that date, the Comoros have been rocked by coups d'état and palace revolutions instigated by mercenaries who make and unmake regimes with almost total disregard for a population that is increasingly traumatized by the unprecedented deterioration of the economic and social situation.

6. The widespread poverty that reappeared in the 1980s probably lies at the root of the resurgent separatist movements which currently threaten national integrity and unity; the most recent convulsions of this nature were in July 1997, mainly on Anjouan.

C. People

People and culture

7. Situated at a major crossroads of traditional seafaring communication, Comorians are the product of considerable and extensive racial intermingling, as the variety of their physical characteristics demonstrates. There is nevertheless a large community of Arab descent, particularly in the towns, and a very large number of Africans. The undeniable unity of the Comorian people should therefore be sought in their deep-rooted cultural identity, for they share the same language, religion and traditions. Almost the entire population is Muslim, of the Shafi' rite. The Muslim faith, which is an important part of everyday life, goes hand in hand with certain practices which a local and recent brand of fundamentalism views as superstition, deviancy and even bid'a (innovation). Belief in medicine men and astrologers (mwalimu), conjuring up spirits, the cult of the Prophet Mohammed, and invocations of the type used by secret societies are also frowned upon.

8. The basic identity of the Comorian language, which nevertheless has variant forms specific to each island, is another factor facilitating mutual comprehension between the inhabitants of the four islands. It is of Bantu origin and has borrowed extensively from Arabic in the field of vocabulary; in this respect it resembles Swahili, of which it was long (and erroneously) considered to be a dialect. Generally speaking, Comorian culture exactly mirrors the linguistic situation. It is essentially African with Arab-Muslim values, as can easily be ascertained from such things as customs, clothes, music, dance, legends, architecture and urban environment. But far from being a mere juxtaposition of these two sources, Comorian culture is a remarkable synthesis which has been enriched in recent times by French, Malagasy and Indian elements that strengthen its identity and originality.

Demography

9. In little less than a century, between 1886 and 1966, the Comorian population has increased from 65,000 to 246,000. According to the most recent census conducted in 1991, the population in 1996 was estimated to be 507,000, excluding Mayotte. These figures are a clear indicator of the rapid and quite disturbing increase in the size of the Comorian population. The average density of population, which currently stands at 270 inhabitants per km^2, does not take account of local disparities, which are considerable. In some areas, the density is twice or even three times this figure. The demographic question is therefore the most serious challenge currently facing the country. To a considerable extent it accounts for the stagnation, not to say the

worsening, of social and economic conditions, with an appreciable decline in the standard of living, the contraction of public health services, and a falling off in the number of children enrolling in school. It may confidently be asserted that children and young people in general have been the most seriously affected by this crisis; their demographic preponderance is widely recognized (cf. table below showing that 57.1 per cent of the total population is under 20).

Distribution of the population by age and sex

Age group	Male	%	Female	%	Total	%
0-4	33 132	7.4	32 312	7.22	65 444	14.6
5-14	69 171	15.5	65 589	14.7	134 760	30.2
15-19	27 100	6.1	27 903	6.2	55 003	12.3
20+	91 749	20.5	99 861	22.3	191 610	42.36
Total	221 152	49.5	225 665	50.5	446 817	100

Source: General population census 1991, Statistical Office, Moroni.

D. Economic framework

10. As an essentially agricultural country with as yet undiscovered mineral resources, completely cut off from the main international trade flows and handicapped by its fragmented, insular geography and a socially and environmentally damaging population situation, the Comoros are badly equipped to face the problems of underdevelopment reflected in the figures detailed below.

11. Gross domestic product in 1994 was estimated to be 77.3 billion Comorian francs (CF) or US$ 187 million. Real GDP growth in 1993 and 1994 was negative (-3.3 per cent). The Comorian economy is still essentially dependent on agriculture, which employed 70 per cent of the working population in 1994. In the same year agricultural production accounted for 30 per cent of GDP. Almost all export earnings derive from the sale of agricultural products (vanilla, ylang-ylang, and cloves).

12. In the secondary sector, which represented 4 per cent of GDP in 1994, manufacturing industry remains rudimentary and uncompetitive, mainly because of the lack of a skilled workforce and its relatively high cost in the subregional context.

13. The tertiary sector is excessively large, accounting for 57 per cent of GDP in 1994. Despite debt rescheduling agreements, the country's external debt has increased considerably. At the end of 1994 it stood at CF 81.6 billion. The external debt remains one of the country's biggest problems. The total outstanding medium-term debt, including arrears, accounted for 105 per cent of GDP at the end of 1995, and debt servicing accounted for 26 per cent of exports of goods and services. All this explains why, since 1995, the situation has been steadily worsening. Macroeconomic

indicators have deteriorated. The budget and current-account deficits have increased. The ratios of debt and debt-service to GDP remain high. And GDP has fallen by 2 per cent owing to the decline in exports, the worsening terms of trade and weak public and private investment.

14. In order to turn the situation around, the Government is attempting to pursue a growth-led economic and financial policy. The strategy includes the adoption of measures to consolidate the budget and re-establish macroeconomic equilibrium by supporting the private sector, pursuing a privatization policy, reforming the financial sector and urgently streamlining administrative jobs. The re-establishment of fiscal equilibrium should make it possible to lay the foundations for sustainable economic and social development.

E. General legal framework and protection of the rights of the child

The Constitution

15. The preamble to the Constitution of October 1996, which was ratified by referendum, solemnly proclaims the Comorian people's commitment to respect for human rights and makes explicit reference to the principles contained in the Charters of the United Nations, the Organization of African Unity, the Organization of the Islamic Conference, and the League of Arab States. It also proclaims strict adherence to the ideals of the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. The Constitution thus proclaims and guarantees:

- The equal rights and duties of all citizens;
- The freedom and security of the individual;
- Freedom of movement and residence;
- Freedom of expression, assembly and association, and freedom to organize trade unions;
- The equality of all citizens before the courts and the right of every citizen to a legal defence;
- Freedom of thought, expression, press and publication.

16. In order to emphasize the pre-eminence of these rights and freedoms, the Constitution stipulates that all statutes relating thereto must have the status of institutional acts. As such, they are subject to special provisions concerning their adoption and possible abrogation in order to ensure maximum protection against precipitate action and partisan or opportunist manipulation.

17. In addition, the judiciary, which is independent of the executive and the legislature (art. 46), protects the citizen against abuse of authority through a variety of appropriate measures. The most important of these are:

- Proscription of all forms of arbitrary arrest and detention;
- Presumption of innocence until guilt is proved;

- The right to appeal;

- Proscription of all criminal courts of special jurisdiction;

- Status of the judiciary as the guardian of individual liberties and the guarantor of the principles listed above.

Organization of the courts

18. The organization of the courts is governed by Act N88-017 of 30 December 1992 and is based on the French system. At all levels a distinction is drawn between law officers, i.e. representatives of the State Counsel's Office, and the judges of the ordinary courts, who act as neutral and impartial arbiters at trial and pass judgement in accordance with a strictly defined procedure. The judiciary comprises the following courts:

- The Court of Appeal, having jurisdiction to hear appeals and consisting of a civil, commercial and social division, a criminal decision and an indictments division;

- The Assize Court;

- Courts of first instance with jurisdiction over civil and criminal cases involving lesser indictable offences and summary offences;

- Stipendiary magistrates with jurisdiction over criminal and civil cases, particularly those involving children (marriage, divorce, lawful descent, civil status).

II. CONVENTION ON THE RIGHTS OF THE CHILD

Introduction

19. As in practically all human societies, Comorians regard children as a precious asset, if not the most precious asset of all. However, this assessment is largely based on a very utilitarian view of children, as reflected in a number of popular sayings including the widely quoted Moina. maana ("the only good child is a useful child"). A child may of course be socially useful, but much greater value is placed on economic utility. This is particularly true in rural areas, where young children of both sexes are made to help out in the fields or around the house at a very tender age. This outlook is a priori unfavourable to children. It even gives rise to serious abuses, for example when a child is not permitted to attend school because he or she is economically useful to the family.

20. Psychologically and morally, society's attitude towards children is not to the latter's advantage either. This is because generations of Koranic teachers have perpetuated a tradition which views the child as a wayward being who needs to be "subdued" through the use of force and corporal punishment. Such treatment is deemed particularly suitable for young boys, thereby reinforcing a Spartan outlook that is widely shared in the community.

21. Given this background, and in view of the principles contained in the Convention on the Rights of the Child, it is no exaggeration to say that the ratification of the Convention, and especially its effective implementation, are tantamount to a cultural revolution. The road towards full implementation of the Convention will be long and hard; the psychological and sociological obstacles involved are numerous, and they also account for the lukewarm reception given to the Convention and the delays in implementing it. These obstacles have already been noted, and the State is struggling to make headway against them so that it can fulfil its commitments.

22. Indeed, one of the aims of this report is to help identify the various obstacles which impede the implementation of the Convention, and to suggest the most appropriate and suitable ways of implementing it effectively.

A. General measures of implementation

23. The ratification of the Convention on the Rights of the Child in July 1993 has to date failed to yield any urgent or priority measures flowing from the commitments implicitly entered into. However, this should not be construed as indicating any kind of casualness on the part of the authorities, which have in fact introduced or are planning a number of political, legislative and legal measures conforming fully to the recommendations of the Convention.

(i) Administrative and legal provisions

24. As in 1989, and even more so in 1992, the Comorian authorities are focusing considerable and detailed attention on the living conditions of women and children and have instructed the Office of the Commissioner for the Status of Women to study this matter with the assistance of UNICEF. The findings have been published in a report entitled Analyse de la situation des enfants et des femmes aux Comores (Analysis of the status of children and women in the Comoros). This fairly exhaustive document addresses the areas which have generated the most concern regarding the status of children, such as health care, education and nutrition.

25. The legal system, the principal means by which political, administrative and community welfare institutions can organize and protect the rights of the child, is also the subject of close scrutiny. However, Comorian law is extremely complex, since it is jointly governed by the Shariah, local custom and French law; recognition and observance of the rights of the child are unavoidably the product of a clarification and harmonization of these three sources, which gives rise to a number of problems. The initiators of the preliminary Family Code bill seem to have a clear grasp of this fact.

26. The preliminary Family Code bill, which deserves to pass rapidly into the statute book, is the most significant and promising development that has occurred in the field of protection of children's rights. It is the essential counterpart of the activities covered by the national plan of action, which focuses more on the social side of helping children. The preamble states that "the primary purpose of the Family Code is, first of all, to rectify the improper application of Muslim texts to matrimonial matters, and second, to

remedy the incorrect observance of responsibilities within the family, particularly with regard to marital instability, abandonment of the family home, failure to respect the rights of the child".

27. The ideas embodied in this text have given rise to heated discussions among legal experts, pitting lawyers with an Islamic background against those trained in Western legal institutions. Women's associations, the religious authorities and the Government in the guise of the Ministry of Social Affairs have also been drawn into the controversy. The Government's fierce commitment and determination to enact the Family Code will continue until the law makes its way on to the statute book. This is a very important topic in the field of legal protection for Comorian children.

Social provisions

28. The national plan of action drawn up on the basis of the Analyse de la situation des enfants et des femmes aux Comores and the national plan of action for the survival, protection and development of the child form a coherent and realistic programme in terms of their objectives, although their implementation is somewhat less ambitious in view of the means required and the financial crisis which is becoming structural in nature.

29. In the areas of health care and education, very detailed sectoral plans have already been implemented in order to obtain external funding. But to date all the elements needing to be combined in order to achieve the specified objectives still have to be integrated into an operational, multi-sectoral approach. The promotion of a comprehensive child-centred policy should thus be a priority of all child welfare institutions both inside and outside government.

Establishment of an agency for coordination and follow-up

30. Neither the necessary conditions nor the means exist to comprehensively translate into practical action the significant concern for children's welfare arising from the ratification of the Convention. The public and private lobbies whose militancy ensures the success of major national causes still need to be sensitized. The Office of the Commissioner for the Status of Women must once again devise imaginative ways to mobilize all partners for children's benefit. The establishment of a non-governmental coordinating agency working in close cooperation with the authorities could give effective support to the Commissioner's Office. Some of its duties would include:

- Identification and mobilization of all partners involved in implementing the Convention;

- Coordination and periodic evaluation of programme activities;

- Organization of mass publicity and training to raise awareness of the Convention;

- Assistance in drafting legal and administrative texts to implement the Convention;

- Regular follow-up of planned activities.

31. The establishment of such an agency is one of the recommendations put forward by the various awareness-raising seminars which have taken place in the wake of the ratification of the Convention.

(ii) Information and publicity

32. Four wide-ranging awareness-raising seminars were organized in various parts of the Comoros between 1992 and 1994. These seminars provided an opportunity for fruitful discussion concerning the status of women and children. Participants were made well aware of the social problems which particularly affect women and children, since studies show that these are the two most vulnerable groups of the population. In passing, it should be noted that the Analyse de la situation des enfants et des femmes aux Comores was compiled on the basis of presentations and discussions at these seminars.

33. By way of example, the seminar organized in September 1993 by the Office of the High Commissioner responsible for the advancement of women and social welfare dealt with the topics of child labour, children and the law, the applicability of the Convention to Comorian children, and the establishment of a national structure to protect the rights of the child.

34. The choice of these topics is perfectly justified, demonstrating as it does a profound understanding of the most urgent problems facing children. Pertinent recommendations have been made to combat or at least regulate child labour, reduce the number of school drop-outs, control the proliferation of illegal video screenings, strengthen civil security, train Juvenile Court judges, establish children's homes, enact the Family Code, and put in place a structure for protecting the rights of the child.

The children's parliament

35. Every year, in observance of the Day of the African Child, an event takes place which turns the Comorian social order upside down. Whereas in the normal course of events the pre-eminence of adults over children is never open to question, on this day the deputies of the Federal Assembly yield their places and their roles to children who, on this occasion, are allowed to challenge ministers in the manner of parliamentarians. The resulting exchanges are certainly not without relevance, and it is perfectly possible to imagine a less informal and ephemeral structure enabling children to become the vigilant guardians of their rights. In other words, the possible prerequisites for the establishment of a children's parliament should be studied as a matter of urgency. In 1997, children were granted an audience with the President of the Republic, who was very sympathetic to their grievances. In his opinion, these grievances are based on a genuine grasp of facts. It should also be mentioned that the 1995 vaccination campaign would not have had the same major impact without the active support of the Federal Assembly, in particular its President.

36. The Day of the African Child is also the occasion for other events focusing on:

- Raising public awareness of the Convention on the Rights of the Child;
- Evaluation of activities to benefit children pursuant to the Convention and the national plan of action;
- Identification of problems facing children;
- The problem of street children;
- Protection of the environment.

Awareness-raising campaigns

37. These mainly deal with health-care problems, focusing especially on sexually transmitted diseases (including AIDS) and reproductive health. Two institutions, the Global Programme on AIDS and the Comorian Family Welfare Association, which focuses more on family planning, have staged year-long awareness-raising campaigns culminating in special awareness days. These two organizations realize that their initiatives were effective because they targeted children and teenagers.

(iii) National initiatives and international support

Grass-roots associations

38. The early 1980s saw the emergence of associations with the stated aim of helping needy children. The most well-known, at least in terms of the impact that they had, were the Comorian Childhood Association and the Women's Association for Comorian Children. Their agendas, which were modest in view of the meagre resources at their disposal, were confined to isolated initiatives focusing on lying-in and paediatric clinics and large, particularly needy families. Owing to the inadequate means and structural instability which dog Comorian associations, they subsequently discontinued their work just a few years after making such a promising start.

39. A number of young people's associations deserve a mention on account of their practical activities. A good example is the Social and Cultural Entertainment Centre in Moroni, which has renovated a building in the old town. This facility is a meeting place for people of all ages which provides a range of activities to suit all tastes, for example scholastic coaching, a library, a video library, and courses in needlework and computing. It is a port of call for many of the town's youngsters who used to spend their time loafing around public places. Another noteworthy association is Ici-Comores, which hopes to accomplish social and economic objectives falling outside the leisure-oriented framework from which grass-roots associations traditionally emerge. Ici-Comores organizes vocational training courses and plans to introduce other activities, thereby enabling young school drop-outs to acquire manual skills.

Bilateral and multilateral cooperation

40. In conjunction with other partners (UNDP, WHO, UNICEF, the World Bank), France has provided assistance as an extension of the Bamako Initiative, particularly in the fields of health care, education, and the advancement of women (provision of essential medicines and technical assistance). France also helps to fund NGOs such as Development Initiative and Médecins du Monde which are involved in training activities at outlying health units.

41. China is also involved in providing technical assistance in the health-care sector, mainly by sending medical specialists to the country's major hospitals.

42. Canada, in conjunction with national NGOs such as the Women/Development Network and the Red Crescent, and as part of the programme for strengthening institutions through technology in French-speaking Africa, has launched a project to improve the health of rural women.

43. The World Bank is pursuing initiatives in the fields of education, health care and the environment. The participatory community approach occupies a special place in projects sponsored by the Bank, particularly the health project launched in December 1994. Through the community development support fund, the Bank supports local initiatives to supply water to rural areas.

44. The European Union is funding health centres and regional education authorities. It is also financing an anti-AIDS publicity and awareness-raising campaign in schools.

45. Within the terms of its mandate, UNICEF is making every effort to encourage the Government and civil society to respect children's rights. It is also taking specific priority measures to address children's essential and basic educational needs and promote child health.

International NGOs

46. Care Australia is active in the field of health and nutrition education, environmental protection and the fight against AIDS; it performs outreach and awareness-raising activities and builds reservoirs to supply villages with drinking water.

47. On Anjouan, the Friends of Father Damien are doing excellent work in the field of preventive medical care, especially through their ongoing and systematic vaccination campaign.

48. The dispensary of the Catholic mission, supported by Caritas, takes in and treats children suffering from serious nutritional deficiencies. These children are always from very poor families and they owe their survival to the medical and nutritional care which they receive. It should be noted that the Catholic sisters who perform this highly appreciated charitable work do not exploit it as a vehicle for proselytism.

49. In Comorian society, any physical or mental disability is regarded as a severe stigma and cause for shame. This is particularly true in low-income families which cannot afford the necessary care; disabled family members are forced to live like recluses. Before pulling out of the Comoros in 1994, Handicap International made considerable headway in identifying young disabled people and overcoming the resistance of their families to any kind of treatment or the use of artificial limbs. Disabled adults have also acquired a new lease of life as a result of comprehensive medical care. Today young disabled people are no longer ashamed; the only Comorians who have ever won sporting trophies are disabled athletes competing in regional sports events.

B. Definition of the child

50. The Convention on the Rights of the Child defines a child as a human being below the age of 18 years, unless national law provides otherwise. This proviso illustrates the complexity beneath the apparent simplicity of the definition.

(i) Definition according to custom

51. From the strict standpoint of custom, on Grande Comore for example, any person who has not satisfied the requirements of customary marriage remains a mnamdji or "child of the village" in the eyes of traditional society, regardless of age. In this case, juvenile status bears no relation to a person's age. Children of the village are not entitled to speak out at public gatherings or wear certain traditional costumes; they cannot claim any acknowledged responsibility according to custom.

(ii) Legal definition

52. From the legal point of view, two approaches are possible. Under the French-based Civil and Criminal Codes, a child under the age of 13 is totally free from criminal responsibility. Under Muslim law, physical maturity confers civil and criminal responsibility on a male child. The age of legal majority is therefore considered to be 14-15 years. Under local Muslim law, girls as well as boys may marry at that age. In some cases marriages may be arranged even earlier, especially for girls. They only acquire civil and criminal responsibility through marriage.

53. Article 6 of the Nationality Code stipulates that the age of legal majority is 21, whereas article 4 of the Constitution states that Comorian citizens are entitled to vote at the age of 18. According to the preliminary Family Code bill, the age of legal majority is 18.

54. There is a very strong case for urgently codifying and harmonizing the definition of the child in the Comoros, not only out of a legitimate concern for consistency, but also to avoid any prejudicial impact on children potentially arising from the current confusion over the notion of majority. Nevertheless, it must be stressed that society and the family continue to treat an individual as a child until he or she enters into marriage, and in this respect an individual can always count on the solicitude of his or her family, which will continue to exercise a degree of guardianship. Article 12 of the preliminary Family Code bill states that "a man under the age of 22 and

a woman under the age of 18 may not enter into marriage", but "it is open to the cadi or the stipendiary magistrate officiating at the wedding to grant dispensations in respect of age for well-founded or legitimate reasons" (art. 13).

C. General principles

55. Ever since the ratification of the Convention on the Rights of the Child, the Comorian authorities have on several occasions reiterated their commitment to compliance. While it is true that merely staking out a position is no substitute for policy, the intention nevertheless demonstrates a willingness to act which will potentially encourage other partners at local or international level to follow suit.

56. In this way, the State is urging relevant actors to launch initiatives in their respective areas of competence which will obey the letter and spirit of the Convention and conform to its general underlying principles. Besides, the State is bound in this respect: the preamble to the Constitution recognizes "the right of the child to protection, particularly as provided for in properly ratified international conventions".

(i) Non-discrimination

57. Both the preambular and operative parts of the Constitution of October 1996 solemnly proclaim the rejection of all forms of discrimination, affirming "the equality of all citizens concerning rights and duties without regard to sex, origin, race, religion, creed or ideological conviction". By definition of course, equality also excludes discrimination based on wealth or birth. This constitutional provision does not prevent the emergence and development of discrimination in connection with sex, economic conditions and geographical origin, which affect access to schools, availability of medical services, choice of habitat and availability of household goods.

58. Although the gap is beginning to close, there is still a certain degree of inequality in favour of boys as regards access to education. This is shown in the following table:

Level/Sex	Girls	Boys
Elementary school	45%	55%
Secondary school	44%	56%
Lycée	41%	59%

Source: Planning Authority, Moroni.

59. Likewise, in rural areas, the level of health care and the rate of school enrolment are lower than in the towns, where living conditions are generally better. It should be noted, however, that social programmes which have been going on for a number of years place deliberate emphasis on rural development with a view to extending acquired social benefits to all.

(ii) Best interests of the child

60. The best interests of the child as embodied in articles 2, 3 and 6 of the Convention are implicitly echoed in the Constitution, which affirms "the right of young people to be protected by the State and their communities against moral neglect, all forms of exploitation and all forms of delinquency".

61. Certain aspects of the Government's social policy are firmly oriented towards the protection of children against marital instability (the Family Code); at the same time the Government seeks to provide a basic minimum education (the outline act on the education system and the education policy framework) and quality primary health care designed to reduce infant and child mortality and diseases (the national plan of action and the Health and Social Welfare Code contained in Act No. 95-013/AF).

62. The only real constraints on the development of this policy are insufficient public finances, a large slice of which must be used to service the country's external debt. In view of the urgency of the problem, it would be highly desirable to reach an arrangement with the country's creditors to transform all or some of the debt into investments in the most badly affected social sectors.

(iii) Right to life, survival and development

63. The right to life is the paramount and most basic human right. It is sacred and inalienable, and its observance is a cornerstone of any organized human society. Ultimately, the absolute inviolability and preservation of this right lie at the heart of every act by which societies organize and perpetuate themselves. Even though it is not explicitly embodied in the Constitution, it provides a framework and an ultimate goal for all the constitutional provisions institutionally embodied in the judiciary. The Constitution may even be said to view the child as a privileged beneficiary of this right, since the preamble affirms "the right of the child to protection". This provision is a solemn act committing the State to protect children by every available means and guaranteeing them optimum conditions for survival and development.

64. A number of administrative decisions bear witness to this commitment:

- The national plan of action;
- The operational plan for a programme to ensure the survival and development of Comorian children, signed by the Government and UNICEF in 1990;
- The Health Code contained in Act No. 95-016/AF;
- The education policy framework;
- The Water Code.

All these instruments demonstrate the readiness of the political authorities to comply with the requirements of the Convention in these areas.

65. The Ministry of Social Affairs has been established with the same end in view. According to article 2 of the decree organizing and establishing this Ministry, its principal function is "to devise, promote, follow up and participate in national policy relating to the protection of children and the improvement of family living conditions."

(iv) Respect for the views of the child

66. It would be a misnomer to speak of the views of the child until he or she has attained a degree of psychological and moral maturity. This rarely happens before puberty and, even afterwards, the degree of maturity is by and large dependent on education, the social and family environment and the individual child's good judgement. Thus, before one can talk of respect for the views of the child, special attention must be paid to the indispensable instilment of judgement in order to guard against fanciful, impulsive or irrational choices. It must be admitted that this dimension is very often lacking in the education of Comorian youngsters; worse still, their moral discernment is now influenced by video culture, which can hardly be considered a model worthy of emulation.

67. A further difficulty in implementing this provision stems from the way in which children are viewed by society. As mentioned earlier, a child is thought of as a rebellious individual lacking discernment. Accordingly, parents, like society, believe it is their sacred duty to "train" children to be human beings. According to this outlook, the child's views are a priori dismissed and have no validity. The traditional organization of society according to age group is designed to forge relationships between the various groups and teach collective values and rules through customary ceremonies, collective work and key events in life (birth, death, marriage, circumcision).

D. Civil rights and freedoms

(i) Nationality

68. Article 4 of Act No. 79-12/PR of 27 February 1980 instituting the Nationality Code stipulates that "A Comorian is an individual born in the Comoros of Comorian parents or outside the Comoros of a Comorian parent". Birth or descent confers Comorian nationality only when confirmed by a civil-status record or a judgement (art. 13). However, the Code lays down that nationality may be acquired in other ways: acquisition by operation of law (arts. 15-18); acquisition by registration (arts. 20-26); and acquisition by a decision of the public authority (arts. 27-41).

(ii) Name

69. The Civil Status Act No. 84-10/AF of 15 May 1984 stipulates that births must be registered within 15 days. After the birth has been registered, the birth certificate is prepared. This must include the year, month, day, time and place of birth, and the family name, first name(s) and sex of the child. In cases where the birth is not registered by the due date, the registrar may

only record it pursuant to a suppletive decision by the local court of first instance or cadi's court. Furthermore, the record must show the identity of the person making the request.

(iii) Freedom of expression and information

70. The education of Comorian children is dominated by the obligation to respect their elders, both within the family and in society at large. Freedom of expression may therefore be exercised only in the relationship between elders and juniors, and is thus confined within strict limits. The critical spirit and the free expression of ideas are literally stifled and are always regarded as a sign of deficient education.

71. This situation is even worse for girls, who are not only subject to the tyranny of age but are also expected to defer to boys at all times. Accordingly, women are excluded from public debate and hence from power, and traditional society regards women's pretensions to become deputies in the Federal Assembly as quite ludicrous. However, the emergence of a modern political system is turning these preconceptions upside down, especially since the 1970s when women and young people spearheaded the fight against social and political backwardness and Comorian feudalism during the revolutionary regime.

72. Nevertheless, children do enjoy complete freedom of access to information, which is not without risks when the cultural, social and family environment and available financial resources restrict such access to the by-products of mass pseudo-culture peddled by modern information media. The Comoros have no youth-oriented newspapers or magazines, and the cost of imported magazines places them out of children's reach. This is a matter of acute concern because there are few reading facilities in the country as a whole and the ones that do exist are located exclusively in the main urban centres.

73. The past few years have witnessed the emergence of small district libraries initiated by youth associations. However, amateurish execution often puts paid to their fine projects. These associations, which are numerous and widespread, offer young people a special environment to express their views and feelings through songs and theatre, the most popular and influential forms of social communication. One example is the extraordinary success of the song Mapambe, written by a young composer and performed by Marianne, concerning the plight of young girls who are given away by their poverty-stricken parents to well-to-do urban families who subsequently treat them as skivvies. The song, which denounces the mistreatment, exploitation and contempt that is their lot, has jolted many girls into awareness and indignation leading to an immediate rejection of their status.

(iv) Freedom of thought, conscience and religion

74. As referred to above, the preamble to the Constitution guarantees "freedom of thought and opinion". Clearly, since freedom of religion is simply a special form of freedom of conscience, it is not explicitly affirmed. This is in keeping with the internal logic of the Constitution, which states that "the Comorian people solemnly proclaim their resolve to draw from Islam continuing inspiration for the principles and rules governing the State and

its institutions". According to Islamic law, apostasy is the capital crime par excellence, i.e. it is punishable by death. In other words, the duty of society and the State is to supervise the education of children in Islamic faith and morality, in a spirit of tolerance towards other religions and creeds. In fact, the spirit of tolerance is one of the most significant aspects of Comorian Islam. Over the past decade, however, young Koranic teachers trained in strict, militant Islam have been instilling in children a new vision of Islam that is less easy-going and tolerant, and is in some respects chauvinistic and xenophobic.

(v) Freedom of association and peaceful assembly

75. In its preamble, the Constitution guarantees "freedom of association and freedom to organize trade unions in observance of the laws of the Republic". Young Comorians make extensive use of this right. This is because, at an early age, and on Grande Comore especially, traditional society enrols young people into structures based on age, the performance of certain customary services, and affiliation to a lineal group. Side by side with these customary groups, young Comorians are very often members of diverse musical, sporting, theatrical, charitable or social associations. These are a rich mine of self-sacrifice and generosity whose potential is far from being exhausted. In local communities their social function is an essential counterweight to the absence of the State and local authorities in this sphere.

(vi) Protection of privacy

76. This protection is explicitly provided for in the Constitution, which guarantees "the inviolability of the home and correspondence, except as prescribed by the laws of the Republic, with respect for dignity and privacy" of the person. The provision also applies, of course, to the vala and bangas which are, on Grande Comore and Mayotte respectively, self-contained dwellings built and fitted out by young men in the vicinity of their family home. This practice affirms young men's independence while at the same time ruling out any awkward proximity with girls in the parental household. Some voices have expressed concern about so much independence at such a young age, and even wish to put a stop to it. There is no need to follow this line of thinking. The right conclusion is that this tradition constitutes an early education in responsibility and dignity.

(vii) Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

77. By affirming its commitment to the principles defined in the Charter of the United Nations and the inspiration it draws from the Universal Declaration of Human Rights, the State rejects any inhuman or degrading practices against human beings. Nevertheless, attention should be drawn to certain practices which are fortunately dying out owing to the improved teaching methods of Koranic teachers, whose behaviour was such that children regarded their schools as hell-holes. Some teachers chose to punish "bad pupils" by inflicting a humiliating punishment which consists of marching them half-naked through the village, their faces smeared with mud or soot, and forcing them to

wear a necklace made of snails' shells. Incidentally, corporal punishment is also administered in State schools by teachers who have not received the necessary teacher-training support.

78. Dressed in the manner described above and jeered by the other children, the child being punished is made to shout out his misdeed. The organization of such spectacles, which used to be very common, no doubt contributes to the outright rejection of Koranic schools by children who are for the most part very traumatized by the experience and often poorly instructed. This is an extreme punishment, frequently preceded by beatings, wet stinging nettle baths and exposure to the sun after being coated in sugar cane syrup. Putting a stop to these corporal punishments could be a short-term goal achievable by changing the mindset of the Koranic teachers, who are not by nature inveterate sadists.

(viii) Children and the justice system

79. In criminal cases, children are subject to special arrangements. This is because children under 13 years of age are not criminally liable for their actions. Between the age of 14 and the age of legal majority, they receive special treatment. The judge is obliged to initiate a preliminary investigation of the case prior to making a ruling and to take account of the child's social and educational background.

80. Because there are no special prisons, re-education centres or social rehabilitation schemes for minors, Comorian judges tend to reject imprisonment in favour of fines, suspended sentences, or release on bail. The average annual caseload of the Comorian judiciary is approximately 500 civil cases and 1,500-2,000 criminal cases, 10 per cent which involve children. As of 1995, the Comoros had only 12 law officers and two practising lawyers. The lack of qualified judicial personnel unfortunately means that many children do not enjoy the benefit of legal representation.

E. Family environment and alternative care

81. The emergence of the parental couple as the preferred, indeed the exclusive framework for promoting the child's education and development is a relatively new phenomenon in Comorian society. In many homes, Comorian children traditionally fit into a large extended family of aunts, uncles, grandparents, great-uncles and great-aunts. These relatives act as a safety net around the parents, who do not have any particular status in relation to their offspring. Children are assured of receiving affection, sympathy and, if necessary, rebukes from any member of this extended family; generally speaking, they can count on a whole spectrum of feelings and attitudes which contribute to their emotional and moral development. There is no doubt that this background accounts for the very stable home life of Comorian children in spite of generalized marital instability and polygamy.

82. Abandoned children are all but excluded from this system. Children in this situation are nearly always runaways. The growing incidence of this phenomenon is probably due to increasing poverty and failure at school, factors which propel young children towards the towns in search of "odd jobs". It is no coincidence that the first semi-professional video film produced in

the Comoros by a local television station narrates the adventures of a young orphan who sets off in search of an uncle who himself has moved to the capital.

(i) Role of society and parental guidance

83. The ritual designed to ensure that children are born alive and that mothers survive childbirth after the ordeal of labour demonstrates society's considerable interest in reproduction. The relatively insignificant number of women who take advantage of pre-natal care can be put down to the prevailing ignorance of the potential benefits. There can be no other explanation for the increase in the number of visits to medicine men by anxious mothers-to-be wishing to insure themselves as comprehensively as possible against the possibility of a difficult childbirth. Newborns are the object of emotional, nutritional and religious attention from the extended family, which continues to watch over the child jealously.

84. As soon as the child turns 5, his religious education becomes the primary concern of his family, which is under an obligation to find a good Koranic teacher. In other matters such as social training, the community itself offers the appropriate framework and articulates the cultural referents and values which enable the child to integrate socially. However, this system is currently in flux; nowadays the educative role of the community is gradually diminishing and no equivalent structures have emerged to take its place. Young people are suffering a certain identity crisis exacerbated by "video culture".

85. An increasingly common alternative is recourse to a strict brand of Islam whose chief appeal in the eyes of parents is that it requires girls to wear clothes that conform to Islamic proprieties. Parents frown on the tight-fitting trousers, clingy tee shirts and sexy miniskirts which most young women prefer to wear. Despite the fact that schools are regarded as the chief breeding ground of social and sartorial laxity, parents nevertheless willingly send their offspring to modern schools, whose diplomas open the way to the most prestigious administrative and political careers.

86. The same mindset underpins the idea that a school is a kind of factory churning out white-collar workers. It is not hard to see why people object so much to the implementation of an adapted curriculum that aims to prepare children for all eventualities and walks of life, for example by developing technical education and suitable vocational training. Elitist ideas inherited from colonial times are the be-all and end-all for most of the population, and consequently families tend to conflate scholastic success with passing the baccalaureate at all costs.

87. Since the State is not really able to ensure this kind of education for everyone, or to guarantee all the necessary level of quality, parents are increasingly turning to the private sector, where the school population has risen steadily. In 1990 there were fewer than 10 private primary schools. In 1995 that total had increased to 65, admitting 10 per cent of the school population at that level (7,348 pupils). In secondary education this trend has been even more marked, with the percentage of privately educated pupils climbing from 21 per cent in 1993-1994 to 39 per cent in 1995-1996.

(ii) Child protection

88. Owing to the extended family structure, Comorian children are relatively well protected against the troubles and dramas which can arise when parents break up. When parents do separate, children remain with their mother or their aunts owing to the very strong matriarchy which is particularly prevalent on Grande Comore. And since husbands live in their wife's house, they consider it quite normal not to expose their children to the stress of finding somewhere else to live. In this respect, customary law fully supports the child's interests by deliberately siding with the mother and her family. Under this arrangement, the maternal uncle plays a key role which surpasses even that of the father. To date, therefore, there has been no need to open special homes for abandoned children or orphans.

89. However, the economic and financial crisis is currently undermining the stable edifice of family security which has done so much to limit serious delinquency. In the worst-affected rural areas, single unemployed mothers with numerous children are often forced to alleviate their burden by giving some of their children away (especially the girls) to families in the towns. These children are frequently under 10 years of age. Such transactions are carried out without any kind of legal contract guaranteeing protection against abuses by certain guardians whose unreconstructed mentality is akin to that of slave-owners. The worsening crisis may well lead to an upsurge in this phenomenon, and the institutions concerned should remain vigilant.

90. Another new and very revealing facet of the crisis is the appearance of street children. They spend their time hawking small items, running errands or begging. They are to be found in the vicinity of ports, markets and video theatres. As they get older, they become the favourite prey of dealers who exploit them either as clients or pushers. They also commit offences of varying degrees of seriousness, often leading to an appearance in court where they do not benefit from any special treatment in consideration of their age.

91. There is no Juvenile Court judge in the Comoros. In prisons, young offenders are confined together with older inmates who certainly do not constitute desirable company. Young offenders account for about 10 per cent of the prison population, which does not mean that their situation and future prospects are any less a matter of concern.

(iii) Adoption and filiation

92. Islam teaches that only legitimate marriages can give rise to filiation. Illegitimate children therefore find themselves in a genuine legal bind since they lack all the essential elements to establish their civil status. Despite the rigours of the law, however, compromise solutions which safeguard children and their rights are tolerated. In such cases, the preliminary Family Code bill has laid down ample and detailed rules giving equal weight to the legal and religious arguments. Since human beings behave as they do, it seems reasonable to provide opportunities to adapt the law to reality, which in the end always imposes its own laws anyway.

93. Likewise, adoption is prohibited under Muslim law, yet it is by no means a phenomenon occurring on the fringes of society. Here again, ways have been

found to legitimize the practice, if necessary by resorting to French civil law, much of which is still in force in the Comoros. What is remarkable is that in all these scenarios, technical breaches of the law are always calculated to promote the best interests of the child, thereby entirely legitimizing the State's ratification of the Convention on the Rights of the Child.

F. Child health and welfare

94. The Convention on the Rights of the Child focuses in a timely manner on the particularly difficult situation of many third-world children who need help in order to survive. Many children are still condemned at birth by their mothers' nutritional state and general health and the actual circumstances of childbirth. Even greater numbers inexorably die from infant and childhood diseases, malnutrition, unsanitary environmental conditions, and polluted water; only the strongest and most resistant survive.

95. The same spiral of poverty and death affects Comorian children. The State has grasped the seriousness of the situation and resolved to do all it can to remedy it. This awareness is nothing new. What is novel, on the other hand, is an approach to the problem incorporating the idea that solutions should be planned over time in accordance with a specified hierarchy of goals. In adopting this approach, the Government has been considerably influenced by the mobilization of the international community, especially the World Declaration on the Survival, Protection and Development of Children, adopted at New York in 1990, and the Plan of Action for Implementing the Declaration.

96. Based on these two instruments and in accordance with the commitments it has entered into, the State has devised a national plan of action which endeavours to take account of all aspects of children's lives and make a contribution to their survival and development through the mobilization of all the sectors concerned.

(i) Child health

97. Even though the data furnished by health statistics are still imprecise owing to the very limited efficiency of the collection system, certain indicative figures do reveal that children are in a poor state of health. Thus, according to the Analyse de la situation des enfants et des femmes aux Comores (1995), infant and juvenile mortality rates are high, 77.3 per 1,000 and 103.7 per 1,000 respectively. The explanation for these disturbing figures is mainly to be found in the marked prevalence of infectious and parasitical diseases. Of these, malaria is a frequent complicating factor in other fatal ailments such as acute respiratory infections, illnesses caused by intestinal parasites, and diarrhoeal diseases. The morbidity rate is over 7 per cent among children under 5. Young people are increasingly at risk from the relatively disturbing prevalence of sexually transmitted diseases, including AIDS.

98. Whooping cough, diphtheria, measles, neonatal tetanus and tuberculosis are some of the other diseases targeted by the extended vaccination programme. One of the major successes of improved health care in recent years has

undoubtedly been the extremely encouraging results of the vaccination campaigns launched in 1997 on the recommendation of WHO, which proclaimed 1986 African Vaccination Year.

99. Progress in vaccinating against two particularly feared diseases, tuberculosis and measles, may be cited as an example of this success. With regard to measles, the number of children aged between 12 and 23 months vaccinated between 1984 and 1990 increased to 63.5 per cent of the total population in that age range. In the case of tuberculosis, the figure increased to 90.8 per cent of the total in the same age group over the same period. Other initiatives in this sector include:

- The national programme to combat diarrhoeal diseases;
- The malaria and filariasis prevention programme;
- The maternal and infant health programme, and the family planning programme;
- The essential medicines programme;
- The AIDS prevention programme.

100. The implementation of these programmes is due to be organized within the 10-year framework of the national health development plan adopted in 1991.

101. As a result of bilateral and multilateral cooperation, particularly with WHO, UNICEF, UNDP and France, all these programmes are operating reasonably effectively. In many ways, however, they have fallen victim to the partial demobilization of health-care staff and lack of funding which are the principal repercussions of the financial crisis afflicting the State.

(ii) Nutrition

102. The prevalence of chronic malnutrition varies widely according to age group:

- Children under six months are relatively unaffected (6 per cent);
- Between six months and one year - 26 per cent;
- Over one year: two out of five children (44 per cent) show signs of chronic growth retardation and slightly more than one in six (18 per cent) suffer from severe growth retardation.

Chronic malnutrition means that from this age onwards growth retardation cannot be rectified later on. Several factors account for this bleak picture. They must be identified in order to address them effectively.

Economic factors

103. As a consequence of very low salaries, the endemic unemployment which deprives many Comorians of any sort of income, the fall in the value of

exports and the high price of (often imported) staple foods, almost the entire population is forced to live on a somewhat frugal diet. Furthermore, this diet is very unbalanced owing to ignorance about elementary dietary rules. For example, whereas the minimum wage is set at CF 23,000, a 50-kg sack of rice costs over CF 10,000 and a kilogram of meat CF 850. Given this, it comes as no surprise to learn that in rural areas each household spends an average of 75 per cent of its income on food. In the towns, this figure is over 100 per cent, which is reflected in the debts incurred by most town dwellers.

Diet

104. This essentially comprises rice, green bananas, tubers and legumes with few or no dairy products or animal proteins. Because of poor dietary habits which are nevertheless well entrenched, the plentiful vegetable proteins which are available all year round at insignificant cost do not feature in children's diet. Moreover, given that there is no guarantee of a daily meal, or that when a meal is served the portions are often insufficient, it is easy to appreciate the persistence and even the worsening of the nutritional crisis, especially among children. Yet a school- and media-based education campaign designed to promote a more balanced diet could make an important and inexpensive contribution to improving this picture somewhat.

Availability of food

105. Despite the importance of the agricultural sector in the national economy, the Comoros are far from being self-sufficient in terms of food, except for the island of Moheli which is tending to become the archipelago's granary. The scarcity of local consumer produce in relation to demand therefore makes it very expensive, which is somewhat paradoxical.

106. However, other factors also make for higher prices. The prevailing mode of production is small-scale, with small plots being farmed on a mixed basis. Moreover, the overly long chain of middlemen tends to force prices up. Another factor is the isolation of production centres from areas where consumers are concentrated and the exacerbation of this problem by storage and stockpiling practices. Paradoxically, therefore, imports of general consumer products such as rice and wheat flour are much less expensive than home-grown substitutes.

Food and tradition

107. L'Analyse de la situation des enfants et des femmes aux Comores, the source of most of the information in this section, also gives an account of dietary taboos which appear strange to say the least and are particularly unfortunate in that they penalize children. Children are forbidden to eat fish, for if they do it is believed they will become thieves. Most bizarrely of all, overconsumption of fish is thought to lead to imbecility!

108. On Grande Comore, children are barred from the major ceremonial banquets which are many people's only opportunity to consume animal proteins. In the family circle, moreover, it is believed that the best meals, those accompanied by or mainly consisting of meat or fish, i.e. the tastiest and most appetizing

dishes, are principally reserved for the menfolk. The women and children must make do with the leftovers. These rare and sought-after meals go by the very revealing name of mnakali motro or "that-which-is-forbidden-to-children". Here, too, there is a need to explain the damage done by such traditions, which tend to withhold rich foods from precisely those people who have the greatest need of them - women and especially children.

109. All the factors referred to above underline the serious nutritional problems of Comorian society in general and children in particular. For the most part, these problems stem from financial difficulties and widespread ignorance of basic rules of food hygiene. Insofar as a policy designed to ensure children's survival and development is concerned, there is a pressing need to properly address these twin aspects of the problem.

(iii) Standard of living and living conditions

Environment

110. With every day that passes, the natural beauty of the four islands in the archipelago, which underscores their reputation as a tourist paradise, is threatened by the population explosion and its disastrous environmental repercussions. The forests have disappeared almost everywhere, which in turn has led to a change in the pattern of rainfall. The shoreline has been disfigured as a result of sand extraction and the exploitation of coral reefs for use in lime kilns. The uncontrolled use of insecticides has wiped out several species of birds, and urban areas, particularly the capital, have been disfigured and contaminated by household waste, which poses a serious health risk to the public, and especially to children.

111. This growing environmental danger, which can only increase in proportion to the size of the population, may already be viewed as a major crime against children. The State is convinced that in matters of environmental protection legal measures and enforcement are merely a palliative; the real solution is to raise the entire population's awareness of the serious risks which may result from a failure to look after national assets. A number of initiatives have demonstrated the effectiveness of community-based environmental action, for example associations of young environmentalists. These groups possess plenty of goodwill but have great difficulty in translating their goals into specific actions.

112. In any event, environmental protection, which is crucial for the survival and development of society, is now emerging as a major cause to engage the ambitions of the younger generation, to whose lot has fallen the task of vigilantly guarding and protecting their country's environment.

Housing

113. Most Comorians are simply unable to provide their children with decent housing, offering optimum conditions in terms of comfort, security and cleanliness. According to the most recent census, a high percentage of the population still lives in straw huts which present a number of drawbacks:

quite apart from the ever-present risk of fire, these dwellings have no privacy, are also ill-lit and stuffy, and offer no real security against unwanted visitors.

114. Since more often than not these dwellings lack an individual water supply, the daily chore of fetching water, which falls to the womenfolk, is extremely irksome. They often have to walk long distances, especially in the dry season, to fetch a bucketful of water for all users and the entire family. Open pit latrines are located next to dwellings and areas where food is prepared. This obviously compromises hygiene in the domestic environment and undoubtedly contributes to the prevalence of diarrhoeal diseases.

115. In order to establish a minimum standard of comfort and hygiene for all, large-scale awareness-raising campaigns need to be launched to promote wider understanding of certain rules of hygiene that could offset the deficiencies of traditional living conditions. Maybe by impressing upon children the urgent need to wash their hands after visiting the latrines and before each meal, it might be possible to reduce significantly the incidence of a number of widespread digestive ailments.

116. With the exception of new buildings conforming to imposed standards, permanent and semi-permanent dwellings of traditional construction exhibit the same defects as the time-honoured straw hut.

Water

117. Practically all the islands are experiencing problems with their water supply, to a greater or lesser extent. Grande Comore, which lacks permanent watercourses, has always suffered serious water shortages, particularly in the dry season, when reservoirs run dry and the rains are slow to replenish the quantity of water consumed. It is quite common to encounter women and children balancing a bucket of water on their head and walking distances of over 10 km in search of the precious liquid. And even when water is available, storage conditions in uncovered brick reservoirs make it undrinkable. This does not prevent people from drinking it anyway, which for children especially is very risky.

118. The islands of Anjouan and Moheli are better endowed with permanent springs and watercourses but nevertheless experience similar problems. Many rivers dry up, the distribution network is obsolete, and the network is under-maintained or not maintained at all. People living in rural areas therefore face the same problems as inhabitants of Grande Comore. In fact, only town dwellers have access to running water, either at home or via public standpipes. Test drilling at different points on the coastal plain has shown that a significant proportion of Grande Comore's inhabitants could have access to water, but the pumping and distribution costs are so high that less than a dozen areas have actually benefited from the groundwater tapped in this way.

119. On Anjouan and Moheli high development costs also prevent rural people from using the water which occasionally washes over their fields. Their desire to use it anyway, has now become a serious public health problem. Typhoid, which is often fatal, is tending to become endemic. It is caused by drinking dirty water. This problem is particularly serious for inhabitants of

highland regions in the hinterland. People living near the coast can use salt water to perform their personal toilet. With the support of external partners and the assistance of local communities, the State has implemented some very impressive schemes which are nevertheless too limited in scope to be really satisfactory.

120. The fact remains that children's survival and development is dependent on access to clean and readily available water. Water, the source of life, is also a relevant and essential factor in ensuring the quality of life. It remains one of the Government's top priorities.

(iv) Social services

121. Conventional social institutions and structures do not exist in the Comoros. No benefits are provided by a State-run or private medical insurance agency of any kind. The private-sector Workers' Health Insurance Office never really lived up to its promises and is all but defunct. There are no day-care centres, very few or no kindergartens, and no unemployment or family benefits.

122. Until the 1980s, this situation caused no problems owing to the efficient operation of family and extended-family solidarity and completely free medical care, including free medicines. The only disadvantage at that time was the scarcity of health centres, which were located exclusively in the administrative centre of each district.

123. The paradox of under-development means that today, when unemployment has worsened and public finances are struggling to keep the machinery of State in operation (including paying the salaries of public-sector workers), the public is forced to bear a large proportion of medical costs, which for certain families is almost impossible. This is why, although the era of free medical care is over, it is important to establish the economic conditions that will enable citizens to look after themselves and break out of the perpetual cycle of dependency once and for all. A new kind of culture needs to be promoted, but while it is in the making enormous social problems will develop which will impact significantly on children.

G. Education, leisure and cultural activities

(i) Education

124. As mentioned above, the obligation to educate children of both sexes is deeply ingrained in every Comorian family. It is a sacred duty akin to a religious act. By far the most popular form of instruction is the religious education provided in Koranic schools, those venerable institutions which continue to attract many pupils.

125. The obligation to provide an education is also enshrined in the preamble to the Constitution, which proclaims "the right of each child to an education and to instruction by the State, by parents, and teachers chosen by the latter". In addition, under the outline act on the education system promulgated on 20 January 1995, school attendance is mandatory for all children between 6 and 14 years of age.

Koranic schools

126. Koranic schools are an age-old institution; they are the schools most accessible to Comorian children because they are firmly established throughout the country (there are several in each village). Their purpose is to provide religious instruction with a view to strengthening Islamic culture and faith. They are entirely independent and are established on the initiative of a teacher who admits children to his own house or a place designated by the local community. He determines the organization of the establishment, which operates outside the State hierarchy and State control. Children attend these establishments from the age of 4 until they attain their "spiritual" majority. The languages of instruction are Shikomori and Arabic.

127. For many years, until the end of the nineteenth century, these schools were the only educational institutions in the country. Their old-fashioned teaching methods have been rightly criticized, but they are well adapted to local social and economic conditions and can boast nearly 100 per cent enrolment. They are also successful in achieving their goals, which consist mainly of providing children with an Islamic education and helping them to integrate into the community.

128. Because they are completely suited to their environment, and as a result of their tolerant outlook and the respect in which their teachers are held, Koranic schools ought to be entrusted with other functions attuned to the requirements and challenges of the modern world and designed to promote children's survival and development. Thus, alongside religious education, they could provide instruction regarding environmental protection, family and civic responsibilities, personal and food hygiene, and environmental health. Through a happy effect of contagion, all these components would be sanctified and acquire greater respect. Besides, the Koran in its capacity as prophetic tradition itself furnishes relevant examples which lend support to these lay teachings.

Modern schools

129. This institution grafted on to the Comorian social fabric is primarily valued as the principal source of diplomas which are negotiable on the labour market, ideally in the upper ranks of the civil service. The whole ethos of these establishments is currently centred around a very academic examination-based form of instruction. The State's efforts to promote a syllabus that is more in tune with social and economic realities have been poorly received by the public at large, which is very much in favour of elitist education.

130. This explains why technical education and vocational training occupy a very marginal place in the system, partly for reasons of cost, but mainly because of the abiding and deeply-rooted prejudice against manual work. Other factors which make for poor-quality teaching are:

- Large numbers of underqualified primary-school teachers;

- The condition of school buildings, which often lack washrooms and toilet facilities;

- The shortage or non-existence of the most basic teaching materials;

- The lack of training and information facilities.

131. Nevertheless, the efforts which the State has invested in this sector (23-25 per cent of its operating budget) demonstrate the fact that education is a priority area for the authorities. As in other social sectors, the considerable internal and external resources which have been earmarked for education have mainly been used to absorb the continually mushrooming school population, since it is incumbent on the State to provide every Comorian child between the age of 6 and 12-14 with at least a basic education.

132. This observation is borne out by the impressive increase in the total number of pupils, which rose from 13,413 in 1970 to 58,708 in 1980, and to 78,527 in 1995. Despite this significant increase, it is a matter of some concern that the net rate of school enrolment in 1995 was just 55 per cent in the 7-12 age range. This gap between, on the one hand, the considerable efforts expended and the large increase in the size of the school population, and, on the other, the modest rate of enrolment, indicates that the system will continue to show its limitations until a responsible birth-control policy is effectively implemented. Nevertheless, it is encouraging to note that girls have also benefited from increased school enrolment; they currently account for 45 per cent of the primary-school population and 44 per cent of the secondary-school population.

133. The State is aware of the shortcomings of the system. Following extensive consultations, it has formulated an overall education plan designed to give a major boost to the net rates of school enrolment, particularly at the primary-school level, by developing technical and vocational education and improving the internal efficiency of the system through better-adapted facilities, provision of sufficient numbers of decent-quality teaching materials, and better-performing teachers. But because the costs involved are much greater than the resources available over the period of the plan (1997-2001), steps are being taken to solicit assistance from potential financial backers.

(ii) Leisure and cultural activities

134. Young Comorians are lucky to belong to a community which has elevated partying and festivities to the status of an institution. In traditional society, all the key moments in an individual's life are marked by events featuring songs and dances often preceded or followed by large ceremonial banquets. Weddings are the culmination of this festive atmosphere, mobilizing men, women and children alike for days or even weeks on end. Although in a general sense young people are somewhat excluded from the business of the community, they are very active in organizing and performing various traditional dances in which successive generations affirm and hone their personality in healthy and invigorating competition.

135. Young people and children also take part in religious festivities. This often provides an opportunity for Koranic teachers to show off their competence which is measured by the extent of their pupils' knowledge.

Children are asked to sing poems in honour of the Prophet and his glorious companions. The fact that all kinds of cakes and drinks are liberally distributed at these ceremonies ensures their willing attendance. However, these traditional and religious activities alone do not satisfy young people, who are also very eager to form all kinds of associations centred around music, theatre and sports, in particular.

136. These very numerous, well-attended and active associations have become an essential ingredient in national cultural life, particularly during the school holidays. The remarkable thing is that young people are using music, songs and theatre to develop a vehicle for their sensitivity, talent, vision of society, ambitions and concerns without incurring social censure. Young people are rarely conformist, and the message which they convey through songs and theatre is the need to throw off the shackles imposed by omnipotent tradition.

137. Grass-roots movements also enable young people to become increasingly involved in social and economic activities. And with the knowledge of French which they have acquired at modern schools, young members of village or district associations often place their skills at the disposal of community-funded projects. They act as secretaries, treasurers, and indispensable intermediaries in relations with local authorities, field offices and external associations. Associations are therefore supplanting schools in the role of educating young people about life, especially since the rules governing these associations, which adhere very closely to the French law of 1901 organizing this type of group, impose an operating structure which provides for a number of functions - some elected, others co-opted - in accordance with precisely defined regulations. Involvement in running these associations therefore offers young people a valuable introduction to management, organization, elections, and, in a nutshell, the functioning of democratic systems.

138. Unfortunately, the results achieved are not always commensurate with the human investment made, and this relative lack of success is largely attributable to young people's inexperience in grass-roots management and leadership. The authorities could therefore perform a very valuable role by organizing accelerated training programmes for managers, thereby enabling them to help structures of this type to function smoothly. To date, only one association seems to be in a position to propose solutions that meet the associations' need for managers.

H. Special protection measures

(i) Children in situations of emergency

139. The country's insular status and relative geographic isolation means that it has been largely spared emergencies caused by influxes of refugees. It does not therefore have to deal with refugee children victimized by conflict. To date the Comoros have generally been spared the scourge of war, and it is probably because of this enduring peace that there are no specific provisions for any such eventualities. However, since the Comoros are a signatory to the African Charter on the Rights and Welfare of the Child, they

are under an obligation to comply with the provisions of this instrument insofar as the protection and assistance of refugee children are concerned.

(ii) Minors in conflict with the law

140. The legal provisions governing cases of this sort are laid down by the Decree of the French Republic dated 30 November 1928 and in accordance with Act No. 75-04/ANP of 29 July 1975. This Act stipulates that the French statutory and administrative provisions in force in the Comoros until 29 July 1975 shall be applied until such time as new provisions are adopted. Generally speaking, the provisions of this Decree conform to the Convention on the Rights of the Child, article 40 of which stipulates that special treatment must be accorded to children who have infringed the penal law.

Administration of justice in respect of minors under 13 years of age

141. A minor under 13 years of age charged with an offence under criminal law is not brought before a criminal court (art. 2) but is subject to measures of guardianship, supervision and assistance. If the crime or serious offence has been proved, the child may be separated from his family until he reaches the age of majority.

Administration of justice in respect of minors aged between 13 and 18 years

142. If a minor aged between 13 and 18 years commits an offence under criminal law, the procedure is subject to special rules, except in the case of offences discovered in flagrante delicto and writs of summons. Hearings are held in private. To preserve the child's dignity, article 21 stipulates that "the publication of the record of proceedings of juvenile and youth courts is prohibited, even in the case of crimes".

143. With respect to the sentencing of minors aged over 13 and under 16, the death penalty, penal servitude for life and deportation are all commuted to a term of 10 years' imprisonment. Likewise, special detention arrangements are envisaged for minors under 18, specifically their segregation from adult prisoners. The law provides that, as far as juveniles are concerned, custodial sentences are the supreme punishment; it also makes provision for special social re-education and rehabilitation establishments such as reformatories. It must be admitted, however, that custodial arrangements in their present form cannot guarantee the segregation of adult and juvenile prisoners, and to date it has not been possible to establish special establishments for young people convicted of an offence.

(iii) Protection against various forms of exploitation

Economic exploitation

144. As mentioned earlier, labour law prohibits minors under 15 from taking paid employment. In addition, it is unlawful to engage child workers in hazardous activities such as handling explosives and work on dangerous building sites. Inspectors with the power to make unannounced visits are obliged to inform a judge of any violation. In fact, owing to inadequate

means, the pressure of economic necessity, academic failure and the inability of the school system to absorb children of school age, many children under 15 are forced to work.

145. Some planters even make a point of recruiting young children for certain types of harvesting, for example picking ylang-ylang, because they are exactly the same height as the shrubs and therefore work very efficiently. The present slump in sales of ylang-ylang extracts has greatly reduced this burden on children. Many young au pair girls, despite their tender years, are all too frequently abused and overexploited as mere skivvies. It is imperative to change the law in order to prohibit the employment of children under 15, regardless of whether the work is paid or not.

Sexual exploitation and violence

146. Institutionalized prostitution is unknown in the Comoros. But social workers report that sporadic recourse is had to this practice for material reasons. Cases involving teenagers have also been mentioned. All these instances are covered by the law prohibiting solicitation for sexual purposes.

147. The Criminal Code recognizes two cases of sexual violence against minors. If the victim is under 15, the offence, which is classified as indecent assault, is punishable by a custodial sentence of between two and five years. If the victim is a minor and aged over 16, sexual violence is classified as "fornication" and is punishable by a custodial sentence of between one to six months. This text, which can give rise to all sorts of abuses, especially considering that civil status registration still does not fully conform to required standards of rigour, certainly needs to be revised.

Protection against drug abuse

148. Even though the legal and legislative arsenal for fighting drug abuse is poorly developed, the State is nevertheless concerned at the proliferation of all forms of drug addiction, which it intends to combat effectively. Article 141 of the Public Health and Social Services Code provides for the organization, in conjunction with representatives of all the sectors concerned, of publicity and awareness-raising campaigns and activities designed to arrest the development of social scourges such as alcoholism, nicotine addiction and drug dependency. And since the authorities are well aware that these provisions alone will not discourage the pedlars of illusions, article 143 prescribes punishment for those who actually seek to encourage such addictions.

149. Article 328 of the Criminal Code, in line with Act No. 82-03/PAF, imposes a custodial sentence of between 1 and 10 years and the confiscation of any material contributing to the commission of the offence on anyone who has allegedly "imported, cultivated, transported, sold, bought, transformed, or distributed (...) any product classified as a drug, and especially hashish or Indian hemp". The State's readiness to associate itself with the international community's efforts to stamp out drug addiction is attested to by its ratification of a number of international conventions relating to this scourge, for example the 1961 Single Convention on Narcotic Drugs, ratified in 1987, and the 1971 Convention on Psychotropic Substances.

150. These provisions are principally designed to protect young people, the preferred and intended victims of the evil acts committed by traffickers of every stripe.

CONCLUSION

151. In the coming years, the Government of the Islamic Federal Republic of the Comoros is committed to policies to implement the Convention on the Rights of the Child, pursuing the following priorities:

- Adoption of statutes and promotion of programmes to strengthen the rights of the child;
- Creation of a multisectoral follow-up committee on the rights of the child;
- Development of the measures needed to enhance Comorian children's access to education and basic health care (especially the most vulnerable groups), information, freedom of opinion, leisure, sports and participation in cultural and artistic activities;
- Close cooperation with the Federal Assembly's Commission of Social Affairs to provide follow-up to national statutory provisions complementing the implementation of the Convention on the Rights of the Child;
- Reduction by the end of the decade of the obstacles and constraints hampering the improvement of the social, health-care, and legal status of women and girls of all ages;
- Encouragement of the social and economic advancement of women in order to boost family incomes;
- Stimulation of community participation in development activities in the spirit of the Bamako Initiative, and use of publicity to secure partner commitment to the implementation of programmes to assist Comorian children;
- Exhortation of the media, village associations and NGOs to play an active role in protecting the interests of women and children.

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